

OFFICIAL GAZETTE

GOVERNMENT OF GOA

GOVERNMENT OF GOA

Department of Education, Art & Culture

Directorate of Education

Notification

618/DE/TUI/(Part file)

In exercise of the powers conferred by sub-section (1) of section 15 of the Goa Coaching Classes (Regulation) Act, 2001 (Goa Act No. 27 of 2001), the Government of Goa hereby makes the following rules, namely:—

1. *Short title and Commencement.*— (1) These rules may be called the Goa Coaching Classes (Regulation) Rules, 2004.

(2) They shall come into force from the date of their publication in the Official Gazette.

2. *Definitions.*— In these rules, unless the context otherwise requires:—

(a) "Act" means the Goa Coaching Classes (Regulation) Act, 2001 (Goa Act 27 of 2001);

(b) "batch" means a group of students enrolled for coaching in one or more subjects;

(c) "Form" means a form appended to these rules;

(d) "Competent authority" means an officer notified by the Government under section 3 of the Act;

Words and Expressions used but not defined in these rules shall have the same meaning respectively assigned to them in the Act.

3. *Procedure for registration of coaching classes and renewal thereof.*— (1) Any person desirous of conducting a coaching class shall apply for registration of such coaching class to the competent authority within whose local jurisdiction such coaching class is situated, in Form-I hereto alongwith fees as specified in rule 4 and documents as specified in section 5 of the Act.

(2) Every person having registered coaching class shall apply for renewal of registration certificate to the competent authority two months prior to the date of expiry of such registration in form-I hereto alongwith renewal fees as specified in rule 4 hereto and a copy of the statement of accounts in respect of each branch duly audited by Chartered Accountant, and such renewal shall be deemed to have been granted if not refused specifically within 60 days of application for renewal and payment of renewal fees.

(3) On receipt of the application under sub rule (1), the competent authority shall inspect the place wherein the coaching class is proposed to be conducted to ensure and satisfy himself that the premises is conducive for conducting coaching classes and provided with adequate lighting and ventilation, with a minimum area of 22 sq. metres.

(4) The competent authority shall, within three months from the date of receipt of the application for registration and after making such inquiries, as he may think fit either grant the registration certificate in form II hereto or shall communicate

to the applicant his order of refusal to grant such registration, after recording reasons in writing, for such refusal.

(5) Any person aggrieved by the order of the competent authority of refusal to register a coaching class or renewal of certificate of a coaching class or a cancellation of registration of coaching class, may prefer an appeal to the Director (Administration) within thirty days from the date of receipt of; such order with prescribed fee of Rs.100/- (Rupees one Hundred only), who after making such enquiries as may be deemed necessary, shall decide the appeal.

(6) The competent authority shall forward one copy of application alongwith registration certificate to the Director (Administration) for records.

(7) The proprietor shall maintain the following books in relation to a coaching class:—

- (a) Register of Students.
- (b) Register of Fees.
- (c) Receipt Books.
- (d) Register of Tutors.

(8) No certificate of any kind shall be issued by the proprietor or tutor of the coaching classes to the students without prior approval of the Competent Authority. The Competent Authority may specify the form of certificate.

(9) No registered coaching class shall be permitted to enrol more than 25 students in one batch and the number of such batches shall not exceed more than six by the proprietor of registered coaching class. The Director (Administration) may increase the number of batches by one in deserving cases for a particular year.

NOTE:- A. In case of Information Technology/Computer Courses the coaching class shall have to be registered with National Association of Software and Service Companies (NASSCOM) or Department of Electronics Accredited to Computer Courses (DOEACC) or any other authority to be specified by the Government.

B. In case of Catering and Hotel Management Courses and all other

courses, the Coaching Class require to take approval of recognized association or any competent authority to be specified by Government.

4. *Fees for registration of coaching class and renewal of certificate of registration.*— The fees for registration of coaching class and renewal certificate of registration shall be as specified respectively in Table 'A' and Table 'B' hereto.

TABLE - 'A'

Fees for Registration of Coaching Class

Sr. No.	Category of Coaching Class	Range of strength of students with registration fee per annum (for financial year)		
		1 to 50	51 to 100	101 and above
1	2	3	4	5
		Rs.	Rs.	Rs.
1. Primary		200.00	400.00	500.00
2. Secondary		1000.00	1250.00	1500.00
3. Higher Secondary		2000.00	2500.00	3000.00
4. Higher Education				
	i) Certificate	2500.00	3000.00	3250.00
	ii) Diploma	3500.00	3700.00	4000.00
	iii) Degree	4000.00	4500.00	5000.00
5 Other Technical/				
	/Professional			
	i) Certificate	5250.00	5500.00	6000.00
	ii) Diploma	6250.00	6500.00	7000.00
	iii) Degree	7250.00	7500.00	8000.00

TABLE - 'B'

Fees for renewal of certificate of registration

Sr. No.	Category of Coaching Class	Range of strength of students with registration fee per annum (for financial year)		
		1 to 50	51 to 100	101 and above
1	2	3	4	5
		Rs.	Rs.	Rs.
1. Primary		100.00	200.00	250.00
2. Secondary		500.00	625.00	750.00
3. Higher Secondary		1000.00	1250.00	1500.00
4. Higher Education				
	i) Certificate	1250.00	1500.00	1625.00
	ii) Diploma	1750.00	1850.00	2000.00
	iii) Degree	2000.00	2250.00	2500.00

1	2	3	4	5
		Rs.	Rs.	Rs.
5. Other Technical/ /Professional				
I) Certificate		2625.00	2725.00	3000.00
ii) Diploma		3125.00	3250.00	3500.00
iii) Degree		3625.00	3750.00	4000.00

By order and in the name of the Governor of
Goa.

Ashok N. P. Dessai, Director of Education and
ex officio Joint Secretary

Panaji, 16th July, 2004.

FORM - I

[See rule 3 (1)]

- (1) Name of Tutor/Proprietor/Society:—
- (2) Name of the proposed coaching class:—
- (3) Name of the District, Taluka and
Zone in which it is situated:—
- (4) Exact location of the coaching class:—
- (5) Date of first opening/commencement of
the coaching class:—
- (6) First time registration/renewal of
registration sought for the period
From to:—
- (7) Category i.e. for which coaching facilities
provided (Primary, Secondary, Higher
Secondary, Higher Education):—
- (8) Special subject/subjects in which coaching
is provided:—
- (9) Whether amount of fees charged to the
students is as prescribed by the Government
(Subjectwise / courseswise):—
- (10) Total No. of batches:—
- (11) Total No. of students enrolled :—
- (12) Accommodation is own or rented
(Strike out which is not applicable):— Own/Rented
- (13) No. of rooms with area and seating capacity:—
- (14) Details of furniture, fans, ventilation provided
in each classroom:—

(15) Weekly timings of coaching class:—

(16) No. of tutors engaged with academic
qualification, training, previous teaching
experience:—

(17) Details of the employment of Tutors elsewhere:—

(18) Documents to be attached to the application as
indicated in section 5 of the Goa Coaching
Classes (Regulation) Act, 2001:—

(1) Undertaking by the Proprietor:—

(2) Audited Statement if the application is for the
renewal of registration.

(19) Any other information:—

I, Shri/Smt./Kum.....
hereby declare that the information furnished above are
true to the best of my knowledge and I agree to follow the
provisions of the Goa Coaching Classes (Regulation) Act
2001 and Rules framed there under and further undertake
to follow the same. I hereby enclose Rs..... by Demand
Draft bearing No. dated of Bank being
registration/renewal fee of the coaching class.

Place:

Date:

Signature
Name and Designation of
the Applicant

Enclosures:

- (1)
- (2)
- (3)
- (4)
- (5)
- (6)

FORM - II

[See rule 3 (4)]

GOVERNMENT OF GOA

DEPARTMENT OF EDUCATION

OFFICE OF THE

North/South/Central Zone

Certificate No.

Date:—

CERTIFICATE OF REGISTRATION OF THE COACHING CLASS

Certified that
(Name and address of coaching class) conducted by
(Name of the Proprietor/Tutor/Society) has been
registered under section 4 of the Goa Coaching Classes
(Regulation) Act, 2001, on this..... day of the month of
.....of the year..... This certificate is valid up
to 31 March, 200 only.

(1) Serial No.....

(2) Registration fees paid Rs..... vide Demand Draft
No.

(3) Subjects/stage up to which permission is accorded:

The coaching class is registered at Sr. No..... at page
No...of the Register of Registered Coaching classes
maintained in this office. The certificate of Registration
issued herein is subject to conditions stipulated in
the Goa Coaching Classes (Regulation) Act, 2001
(Act 27 of 2001) and rules framed there under.

The registration granted is subject to cancellation at
any time in case any of the conditions of registration is
violated and the proprietor/tutor/society shall be
prosecuted as per rules in force.

Place:

Date:

Signature, Name and description,
Office Seal of Registering Authority

Department of Home

Home General Division

Notification

9/11/2002-HD(G)

The Government of Goa is pleased to further
amend the Goa Freedom Fighters Welfare Rules,
1988 published in the Official Gazette, Series I,
No. 8 dated 25-5-89 vide Government Notification
No. 11-37-88/HD(G) dated 27-4-1989 as follows,
namely:—

In Rule 5 the following para shall be added;

"Provided that the medical reimburse-
ment claims of the freedom fighters upto
Rs. 10,000/- in respect of the treatment taken
from the private doctor shall be accepted by
the Home Department if a declaration about

the treatment taken alongwith the prescription
of the doctor and the cash memos are submitted
by the freedom fighters. These bills shall not
be referred to GMC hospital for certifying the
reasonability of the amount and the bills shall
be settled within 30 days from the date of receipt
by Home Department".

By order and in the name of the Governor
of Goa.

Dilip S. Chavan, Under Secretary (Home).

Panaji, 12th July, 2004.

Department of Law and Judiciary

Legal Affairs Division

Notification

10/4/99-LA (Vol. IV)

The Suppression of Unlawful Acts Against Safety
of Maritime Navigation and Fixed Platforms on
Continental Shelf Act, 2002 (Central Act No. 69
of 2002), which has been passed by the Parliament
and assented to by the President of India on
20-12-2002 and published in the Gazette of India,
Extraordinary, Part II, Section 1, dated 23-12-2002,
is hereby published for general information of
the public.

S. G. Marathe, Under Secretary (Drafting).

Panaji, 14th April, 2004.

THE SUPPRESSION OF UNLAWFUL ACTS AGAINST SAFETY OF MARITIME NAVIGATION AND FIXED PLATFORMS ON CONTINENTAL SHELF ACT, 2002

AN

ACT

to give effect to the International Maritime
Organisation Convention for Suppression of
Unlawful Acts Against the Safety of Maritime
Navigation and the Protocol for the Suppression
of Unlawful Acts Against the Safety of Fixed
Platforms Located on the Continental Shelf and
for matters connected therewith.

Whereas a Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation and the Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf were signed at Rome on the 10th day of March, 1988;

And whereas India, having acceded to the said Convention and the Protocol, should make provisions for giving effect thereto and for matters connected therewith;

BE it enacted by Parliament in the Fifty-third Year of the Republic of India as follows:—

CHAPTER I

Preliminary

1. *Short title, extent, application and commencement.*— (1) This Act may be called the Suppression of Unlawful Acts Against Safety of Maritime Navigation and Fixed Platforms on Continental Shelf Act, 2002.

(2) It extends to the whole of India including the limit of the territorial waters, the continental shelf, the exclusive economic zone or any other maritime zone of India within the meaning of section 2 of the Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act, 1976. 80 of 1976.

(3) Save as otherwise provided, it shall apply—

(a) to any offence under section 3 committed outside India by any person;

(b) to a ship, if that ship is navigating or scheduled to navigate into, through or from waters beyond the outer limits of the territorial waters of India, or the lateral limits of its territorial waters with adjacent States;

(c) when the offence is committed on board a ship in the territorial waters of India or against a fixed platform located on the Continental Shelf of India.

(4) Notwithstanding anything contained in sub-section (3), this Act shall apply only to offences committed by an offender or alleged offender,—

(a) when such an offender is found in the territory of a Convention State;

(b) when such an offender is found in the territory of a Protocol State in whose internal

water or territorial waters or continental shelf the fixed platform is located; or

(c) when such an offender is found in the territory of a State other than the State referred to in clause (a) or clause (b).

(5) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Definitions.*— In this Act, unless the context otherwise requires,—

(a) "Code" means the Code of Criminal Procedure, 1973; 2 of 1974.

(b) "Continental Shelf of India" shall have the meaning assigned to it in the Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act, 1976; 80 of 1976.

(c) "Convention" means the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, signed at Rome on the 10th day of March, 1988 as amended from time to time;

(d) "Convention State" means a State Party to the Convention;

(e) "fixed platform" means an artificial island, installation or structure permanently attached to the seabed for the purpose of exploration for, or exploitation of resources or for other economic purposes;

(f) "Protocol" means the Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf adopted at Rome on the 10th day of March, 1988 as amended from time to time;

(g) "Protocol State" means a State Party to the Protocol;

(h) "ship" means a vessel of any type whatsoever not permanently attached the seabed and includes dynamically supported craft, submersibles, or any other floating craft.

CHAPTER II

Offences

3. *Offences against ship, fixed platform, cargo of a ship, maritime navigational facilities, etc.*—

(1) Whoever unlawfully and intentionally—

(a) commits an act of violence against a person on board a fixed platform or a ship which is likely to endanger the safety of the fixed platform or, as the case may be, safe navigation of the ship shall be punished with imprisonment for a term which may extend to ten years and shall also be liable to fine;

(b) destroys a fixed platform or a ship or causes damage to a fixed platform or a ship or cargo of the ship in such manner which is likely to endanger the safety of such platform or safe navigation of such ship shall be punished with imprisonment for life;

(c) seizes or exercises control over a fixed platform or a ship by force or threatens or in any other form intimidates shall be punished with imprisonment for life;

(d) places or causes to be placed on a fixed platform or a ship, by any means whatsoever, a device or substance which is likely to destroy that fixed platform or that ship or cause damage to that fixed platform or that ship or its cargo which endangers or is likely to endanger that fixed platform or the safe navigation of that ship shall be punished with imprisonment for a term which may extend to fourteen years;

(e) destroys or damages maritime navigational facilities or interferes with their operation if such act is likely to endanger the safe navigation of a ship shall be punished with imprisonment for a term which may extend to fourteen years;

(f) communicates information which he knows to be false thereby endangering the safe navigation of a ship shall be punished with imprisonment for a term which may extend to fourteen years and shall also be liable to fine;

(g) in the course of commission of or in attempt to commit, any of the offences specified in clauses (a) to (d) in connection with a fixed platform or clauses (a) to (f) in connection with a ship—

(i) causes death to any person shall be punished with death;

(ii) causes grievous hurt to any person shall be punished with imprisonment for a term which may extend to fourteen years;

(iii) causes injury to any person shall be punished with imprisonment for a term which may extend to ten years;

(iv) seizes or threatens a person shall be punished with imprisonment for a term which may extend to ten years; and

(v) threatens to endanger a ship or a fixed platform shall be punished with imprisonment for a term which may extend to two years.

(2) Whoever attempts to commit, or abets the commission of, an offence punishable under sub-section (1) shall be deemed to have committed such offence and shall be punished with the punishment provided for such offence.

(3) Whoever unlawfully or intentionally threatens a person to compel that person to do or refrain from doing any act or to commit any offence specified in clause (a), clause (b) or clause (c) of sub-section (1), if such threat is likely to endanger the safe navigation of a ship or safety of a fixed platform shall be punished with the punishment provided for such offence.

(4) Where any act referred to in sub-section (1) is committed,—

(a) against or on board—

(i) an Indian ship at the time of commission of the offence; or

(ii) any ship in the territory of India including its territorial waters;

(b) by a stateless person,

such act shall be deemed to be an offence committed by such person for the purposes of this Act.

Explanation.— In this sub-section, the expression “stateless person” means a person whose habitual residence is in India but he does not have nationality of any country.

(5) Where an offence under sub-section (1) is committed and the person accused of or suspected of the commission of such offence is present in the territory of India and is not extradited to any Convention State or Protocol State, as the case may be, such person shall be dealt with in India in accordance with the provisions of this Act.

(6) On being satisfied that the circumstances so warrant, the Central Government or any other authority designated by it shall take the person referred to in sub-section (5) and present in the

territory of India into custody or take measures, in accordance with the law for the time being in force, to ensure his presence in India for such time as is necessary to enable any criminal or extradition proceeding to be instituted:

Provided that when a person is taken into custody under this sub-section, it shall be necessary for the Central Government or any other authority designated by it to notify the Government of any Convention State or Protocol State which have also established jurisdiction over the offence committed or suspected to have been committed by the person in custody.

(7) Subject to the provisions of sub-section (8), where an offence under sub-section (1) is committed outside India, the person committing such offence may be dealt with in respect thereof as if such offence had been committed at any place within India at which he may be found.

(8) No court shall take cognizance of an offence punishable under this section which is committed outside India unless—

(a) such offence is committed on a fixed platform or on board a ship flying the Indian flag at the time the offence is committed;

(b) such offence is committed on board a ship which is for the time being chartered without crew to a lessee who has his principal place of business, or where he has no such place of business, his permanent residence, is in India; or

(c) the alleged offender is a citizen of India or is on a fixed platform or on board a ship in relation to which such offence is committed when it enters the territorial waters of India or is found in India.

4. *Conferment of powers of investigation.*— (1) Notwithstanding anything contained in the Code, for the purpose of this Act, the Central Government may, by notification in the Official Gazette, confer on any gazetted officer of the Coast Guard or any other gazetted officer of the Central Government powers of arrest, investigation and prosecution exercisable by a police officer under the Code.

(2) All officers of police and all officers of Government are hereby required and empowered to assist the officer of the Central Government referred to in sub-section (1), in the execution of provisions of this Act.

Explanation.— For the purpose of this section, "officer of the Coast Guard" means an officer as defined in clause (g) of section 2 of the Coast Guard Act, 1978. 30 of 1978.

5. *Designated Courts.*— (1) For the purpose of providing for speedy trial, the State Government shall, with the concurrence of the Chief Justice of the High Court, by notification in the Official Gazette, specify a Court of Session to be a Designated Court for such area or areas as may be specified in the notification.

(2) Notwithstanding anything contained in the Code, a Designated Court shall, as far as practicable, hold the trial on a day-to-day basis.

6. *Offence triable by Designated Court.*— (1) Notwithstanding anything contained in the Code,—

(a) all offences under this Act shall be triable only by the Designated Court specified under sub-section (1) of section 5;

(b) where a person accused of or suspected of the commission of an offence under this Act is forwarded to a Magistrate under sub-section (2) or sub-section (2A) of section 167 of the Code, such Magistrate may authorise the detention of such person in such custody as he thinks fit for a period not exceeding fifteen days in the whole where such Magistrate is a Judicial Magistrate and seven days in the whole where such Magistrate is an Executive Magistrate:

Provided that where such Magistrate considers,—

(i) when such person is forwarded to him as aforesaid; or

(ii) upon or at any time before the expiry of the period of detention authorised by him,

that the detention of such person is unnecessary, he shall order such person to be forwarded to the Designated Court having the jurisdiction;

(c) the Designated Court may exercise, in relation to the person forwarded to it under clause (b), the same power which a Magistrate having jurisdiction to try a case may exercise under section 167 of the Code, in relation to an accused person in such case who has been forwarded to him under that section;

(d) a Designated Court may, upon a perusal of a complaint made by an officer of the Central Government or the State Government, as the case may be, authorised in this behalf, take cognizance of that offence without the accused being committed to it for trial.

(2) When trying an offence under this Act, a Designated Court may also try an offence other than an offence under this Act, with which the accused may, under the Code, be charged at the same trial.

7. *Application of Code to proceedings before a Designated Court.*— Save as otherwise provided in this Act, the provisions of the Code shall apply to the proceedings before a Designated Court and the person conducting a prosecution before a Designated Court shall be deemed to be a Public Prosecutor.

8. *Provision as to bail.*— (1) Notwithstanding anything in the Code, no person accused of an offence punishable under this Act shall, if in custody, be released on bail or on his own bond unless—

(a) the Public Prosecutor has been given an opportunity to oppose the application for such release; and

(b) where the Public Prosecutor opposes the application, the Court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail.

(2) The limitations on granting of bail specified in sub-section (1) are in addition to the limitations under the Code or any other law for the time being in force on granting of bail.

(3) Nothing contained in this section shall be deemed to affect the special powers of the High Court regarding bail under section 439 of the Code.

CHAPTER III

Miscellaneous

9. *Provisions as to extradition.*— (1) The offences under section 3 shall be deemed to have been included as extraditable offences and provided for in all the extradition treaties made by India with Convention States or Protocol States and which

extend to, and are binding on, India on the date of commencement of this Act.

(2) For the purposes of the application of the Extradition Act, 1962 to offences 34 of 1962. under this Act, any ship registered in a Convention State or Protocol State shall, at any time while that ship is plying, be deemed to be within the Jurisdiction of that Convention State or Protocol State, whether or not it is for the time being also within the jurisdiction of any other country.

10. *Contracting parties to Convention or Protocol.*— The Central Government may, by notification in the Official Gazette, certify as to which are the Convention States or Protocol States and to what extent such States have availed themselves of the provisions of the Convention or Protocol, as the case may be, and any such notification shall be conclusive evidence of the matters certified therein.

11. *Power to treat certain ships to be registered in Convention States.*— If the Central Government is satisfied that the requirements of the Convention have been satisfied in relation to any ship, it may, by notification in the Official Gazette, direct that such ship shall, for the purposes of this Act, be deemed to be registered in such Convention State as may be specified in the notification.

12. *Previous sanction necessary for prosecution.*— No prosecution for an offence under this Act shall be instituted except with the previous sanction of the Central Government.

13. *Presumptions as to offences under section 3.*— In a prosecution for an offence under sub-section (1) of section 3, if it is proved—

(a) that the arms, ammunition or explosives were recovered from the possession of the accused and there is reason to believe that such arms, ammunition or explosives of similar nature were used in the commission of such offence;

(b) that there is evidence of use of force, threat of force or any other form of intimidation caused to the crew or passengers in connection with the commission of such offence; or

(c) that there is evidence of an intended threat of using bomb, fire, arms, ammunition, or explosives or committing any form of violence against the crew, passengers or cargo of a ship

or fixed platform located on the Continental Shelf of India,

the Designated Court shall presume, unless the contrary is proved, that the accused had committed such offence.

14. Protection of action taken in good faith.—

(1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act.

(2) No suit or other legal proceeding shall lie against the Central Government for any damage caused or likely to be caused for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act.

Notification

10/4/99-LA (Vol. IV)

The Mysore State Legislature (Delegation of Powers) Repeal Act, 2002 (Central Act No. 57 of 2002), which has been passed by the Parliament and assented to by the President of India on 17-12-2002 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 18-12-2002, is hereby published for general information of the public.

S. G. Marathe, Under Secretary (Drafting).
Panaji, 15th April, 2004.

**THE MYSORE STATE LEGISLATURE
(DELEGATION OF POWERS) REPEAL
ACT, 2002**

AN

ACT

to repeal the Mysore State Legislature (Delegation of Powers) Act, 1971.

BE it enacted by Parliament in the Fifty-third Year of the Republic of India as follows:—

1. *Short title.*— This Act may be called the Mysore State Legislature (Delegation of Powers) Repeal Act, 2002.

2. *Repeal of Act 23 of 1971.*— The Mysore State Legislature (Delegation of Powers) Act, 1971 is hereby repealed.

Notification

10/4/99-LA (Vol. IV)

The Constitution (Eighty-Sixth Amendment) Act, 2002 which has been passed by the Parliament and assented to by the President of India on 12-12-2002 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 13-12-2002, is hereby published for general information of the public.

S. G. Marathe, Under Secretary (Drafting).

Panaji, 15th April, 2004.

**THE CONSTITUTION (EIGHTY-SIXTH
AMENDMENT) ACT, 2002**

AN

ACT

further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-third Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Constitution (Eighty-sixth Amendment) Act, 2002.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Insertion of new article 21A.*— After article 21 of the Constitution, the following article shall be inserted, namely:—

"21A. *Right to education.*— The State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine."

3. *Substitution of new article for article 45.*— For article 45 of the Constitution, the following article shall be substituted, namely:—

"45. *Provision for early childhood care and education to children below the age of six years.*— The State shall endeavour to provide early childhood care and education for

all children until they complete the age of six years."

4. *Amendment of article 51A.*— In article 51A of the Constitution, after clause (j), the following clause shall be added, namely:—

"(k) who is a parent or guardian to provide opportunities for education to his child or, as the case may be, ward between the age of six and fourteen years."

Notification

10/3/2003-LA

The Recycled Plastics Manufacture and Usage (Amendment) Rules, 2003, notified vide number S. O. 698(E) dated 17-6-2003, by the Ministry of Environment and Forests, Government of India and published in the Gazette of India, Extraordinary, Part II, Section 3(ii), dated 17-6-2003, are hereby published for general information of the public.

S. G. Marathe, Under Secretary (Drafting).
Panaji, 24th February, 2004.

MINISTRY OF ENVIRONMENT AND FORESTS

Notification

New Delhi, the 17th June, 2003

S. O. 698(E).— Whereas certain draft rules to amend the Recycled Plastics Manufacture and Usage Rules, 1999 made by the Central Government in exercise of the powers conferred by clause (viii) of sub-section (2) of section 3 read section 25 of the Environment (Protection) Act, 1986 (29 of 1986) were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) vide S. O. 685 (E) dated the 1st July, 2002, inviting objections and suggestions from all persons likely to be affected thereby within a period of sixty days from the date of publication of the said draft;

And whereas copies of the Gazette containing the said draft rules were made available to the public 11th July, 2002;

And whereas objections and suggestions received within the aforesaid period have been duly considered by the Central Government;

Now, therefore, in exercise of the powers conferred by section 6 read with clause (viii) of sub-section (2) of section 3 and section 25 of Environment (Protection) Act 1986, (29 of 1986) the Central Government hereby makes the following rules to amend the Recycled Plastics Manufacture and Usage Rules, 1999, namely:—

1. (1) These rules may be called the Recycled Plastics Manufacture and Usage (Amendment) Rules, 2003.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Recycled Plastics Manufacture and Usage Rules, 1999, (hereinafter referred to as the said rules), in rule 1, for sub-rule (1), the following sub-rule shall be substituted, namely:—

"(1) These rules may be called the Plastics Manufacture, Sale and Usage Rules, 1999."

3. For rule 2 of the said rules, the following rules shall be substituted, namely:—

"2. *Application.*— The provisions of rules 4 and 8 shall not apply to the manufacture of carry bags exclusively for export purpose, against an order for export, received by the owner or occupier of the concerned manufacturing unit.

3. *Definitions.*— In these rules, unless the context otherwise requires,—

(a) "Act" means the Environment (Protection) Act, 1986 (29 of 1986);

(b) "carry bags" means plastic bags which have a self carrying feature commonly known as vest type bags or any other feature used to carry commodities such as "D" punched bags; as illustrated in the Annexure to these rules;

(c) "commodities" includes articles such as vegetables, fruits, pharmaceuticals and the like;

(d) "container" means flexible or rigid containers made of virgin plastics or recycled plastics with or without lid used to store, carry or dispense commodities;

(e) "food-stuffs" means ready to eat food articles and food products, fast food, processed or cooked food in liquid, powder, solid or semi-solid form;

(f) "registration" means registration of units manufacturing carry-bags and containers made of virgin or recycled plastics with the concerned State Pollution Control Board or Pollution Control Committee as the case may be;

(g) "vendor" means a person who sells food stuffs packed or stored in plastic carry bags or containers."

4. For rule 4 of the said rules, the following rule shall be substituted, namely:—

"4. Restriction on manufacture, sale, distribution and use of virgin and recycled plastic carry bags and recycled plastic containers.—

(1) No person shall manufacture, stock, distribute or sell carry bags made of virgin or recycled plastic bags which are less than 8 x 12 inches {20 x 30 cms} in size and which do not conform to the minimum thickness specified in rule 8.

(2) No vendor shall use carry bags made of recycled plastic for storing, carrying, dispensing or packaging of foodstuffs.

(3) No vendor shall use containers made of recycled plastics for storing, carrying, dispensing or packaging of foodstuffs"

Explanation. — For the purposes of this rule, the minimum weight of 50 carry bags made of virgin or recycled plastics shall be 105 gms. plus or minus 5% variation and the carry bags of larger sizes shall be of proportionate increase in weight"

5. In rule 7 of the said rules, for the opening words "Manufacturers of", the words and figures "Subject to the provision of rule 4 and 5, manufacturers of" shall be substituted.

6. After rule 9 of the said rules, the following rule, annexure and forms shall be added, namely:—

"10. Grant of Registration for Manufactures.—

(1) Every occupier manufacturing carry bags or containers of virgin plastic or recycled plastic or both shall make an application in Form 1 appended to these rules to the State Pollution Control Board or Pollution Control Committee of the union territory concerned for grant of registration or renewal of registration for his

unit within four months from the date of publication of the Recycled Plastics Manufacture and Usage (Amendments) Rules 2003 in the Official Gazette.

(2) On or after the commencement of the Recycled Plastics Manufacture and Usage (Amendments) Rules 2003, no person shall manufacture carry bags or containers irrespective of its size or weight unless the occupier of the unit has registered the unit with the State Pollution Control Board/Pollution Control Committee prior to the commencement of production.

(3) The State Pollution Control Board or Pollution Control Committee shall not issue and renew a registration certificate of a unit unless that unit meets the norms prescribed under rules 5,6,7 and 8 of these rules and also possess a valid consent under the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) and the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981) as per the requirements laid down by the State Pollution Control Board or Pollution Control Committee.

(4) Every State Pollution Control Board or State Pollution Control Committee shall grant registration within thirty days of receipt of application complete in all respects.

(5) The registration granted under this rule shall, unless revoked suspended or cancelled earlier, be valid for a period of three years.

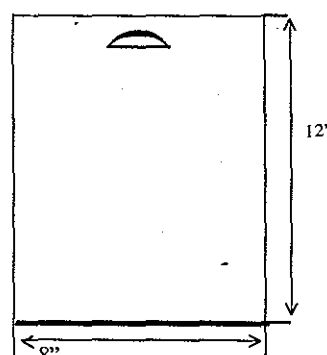
(6) Every application for renewal of registration shall be made in the Form 1 appended to these rules at least sixty days before the expiry of the validity of registration.

ANNEXURE

[See rule 2(b)]

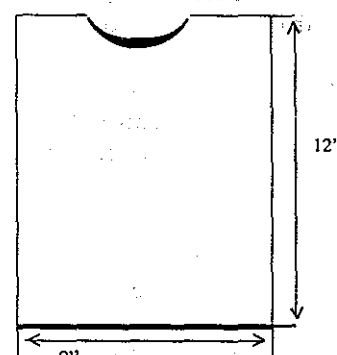
Shape of bags

Figure I



"D" Punched Bag

Figure II



Vest Type Bag

FORM - I

[See rules 10(1) and 10(4)]

Application for Registration of a unit for Manufacture of plastic carry bags and containers

From:

..... (Name and full address of the occupier)

To,

The Member Secretary,
..... Pollution Control Board/Pollution Control Committee

Sir,

I/We hereby apply for registration under rule 10 of the Plastics Manufacture, Sale and Usage Rules, 1999.

PART - A

GENERAL

1. (a) Name of the unit and location of activity:
- (b) Address of the unit:
- (c) Registration required for manufacturing of:
 - (i) Carry bag virgin.
 - (ii) Carry bag recycled.
 - (iii) Containers virgin.
 - (iv) Container recycled.
- (d) Manufacturing capacity:
- (e) In case of renewal of Registration previous Registration number and date:
2. (a) Is the unit registered with DCSSI or Department of Industries of the State Government/Union Territory Administration?
- (b) If yes, attach a copy:
3. (a) Total capital invested on the project:
- (b) Year of commencement of production:
4. (a) List and quantum of products and by products:
- (b) List and quantum of raw materials used:
5. Furnish a flow diagram of manufacturing process showing input and output in terms of products and waste generated including for captive power generation and de-mineralized water:
6. Minimum sizes of carry bags to be manufactured (in any case it should not be less than 8" x 12"):
7. Status of compliance with rules 5, 6, 7 and 8:

PART - B

PERTAINING TO LIQUID EFFLUENT AND GASEOUS EMISSIONS

8. (a) Does the unit have a valid consent under the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974):

If yes, attach a copy:

- (b) Does the unit have a valid consent under the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981):

If yes, attach a copy:

PART - C

PERTAINING TO WASTE

9. Solid Wastes:

- (a) Total quantum of generation.
(b) Mode of storage within the plant.
(c) Provision made for disposal.

Place:

Signature

Date:

Designation

FORM - II

[See rule 10(3)]

Certificate of Registration for the manufacture of Plastic carry bags and containers

File No.

Dated:

To,

.....

.....

.....

Ref: Your application No. dated seeking registration for manufacturing of carry bags and containers.

The State Pollution Control Board or Pollution Control Committee after examining the application, hereby certifies that (Name & Address of the Unit) has been registered as unit manufacturing

This certificate of registration shall be valid for a period of three years unless revoked or suspended.

The certificate is granted subject to the following conditions:

- (i)
- (ii)
- (iii)

Date:

Place:

(Member Secretary)
State Pollution Control Board/
Pollution Control Committee

[F. No. 17-2/2001-HSMD (Pt-1)]
Dr. V. RAJAGOPALAN, Jt. Secy.

Note:— The principal rules were published in the Gazette of India vide S. O. 705(E) dated, the 2nd September, 1999.

Notification

10/4/99-LA (Vol. IV)

The Appropriation (No. 6) Act, 2002 (Central Act No. 71 of 2002), which has been passed by the Parliament and assented to by the President of India on 25-12-2002 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 27-12-2002, is hereby published for general information of the public.

S. G. Marathe, Under Secretary (Drafting).
Panaji, 15th April, 2004.

THE APPROPRIATION (No. 6) ACT, 2002

AN

ACT

to authorise payment and appropriation of certain
further sums from and out of the Consolidated

*Fund of India for the services of the Financial
year 2002-03.*

BE it enacted by Parliament in the Fifty-third
Year of the Republic of India as follows:—

1. *Short title.*— This Act may be called the
Appropriation (No. 6) Act, 2002.

2. *Issue of Rs. 9045,05,00,000 out of the
Consolidated Fund of India for the year 2002-
03.*— From and out of the Consolidated Fund
of India there may be paid and applied sums
not exceeding those specified in column 3 of the
Schedule amounting in the aggregate to the sum
of nine thousand forty-five crores and five lakh
rupees towards defraying the several charges
which will come in the course of payment during
the financial year 2002-03 in respect of the services
specified in column 2 of the Schedule.

3. *Appropriation.*— The sums authorised to be
paid and applied from and out of the Consolidated
Fund of India by this Act shall be appropriated
for the services and purposes expressed in the
Schedule in relation to the said year.

THE SCHEDULE (See sections 2 and 3)

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
5	Department of Chemicals and Petro-chemicals.....	Revenue 4,87,00,000	...	4,87,00,000
		Capital 150,00,00,000	...	150,00,00,000
6	Department of Fertilisers.....	Revenue 442,36,00,000	...	442,36,00,000
		Capital 394,00,00,000	...	394,00,00,000
9	Department of Mines	Revenue 472,47,00,000	...	472,47,00,000
		Capital 30,02,00,000	...	30,02,00,000
10	Department of Commerce	Revenue 1,00,000	...	1,00,000
		Capital 298,47,00,000	...	298,47,00,000

1	2	3		
		Rs.	Rs.	Rs.
12	Department of Posts	Revenue 1,00,000	...	1,00,000
		Capital 1,00,000	18,00,000	19,00,000
22	Ministry of Disinvestment.....	Revenue 8,00,00,000	...	8,00,00,000
23	Department of Development of North Eastern Region	Revenue 315,00,00,000	...	315,00,00,000
		Capital	35,00,00,000	35,00,00,000
24	Ministry of Environment and Forests.....	Revenue 4,00,000	...	4,00,000
25	Ministry of External Affairs	Revenue 28,98,00,000	...	28,98,00,000
26	Department of Economic Affairs	Revenue 130,70,00,000	...	130,70,00,000
27	Currency, Coinage and Stamps	Capital 2,00,000	...	2,00,000
28	Payments to Financial Institutions	Revenue 1949,00,00,000	...	1949,00,00,000
30	Transfers to State and Union territory Governments...	Capital	500,00,00,000	500,00,00,000
37	Direct Taxes	Revenue 73,19,00,000	...	73,19,00,000
38	Indirect Taxes	Revenue	25,00,000	25,00,000
39	Department of Consumer Affairs	Revenue 5,00,000	...	5,00,000
		Capital 17,98,00,000	...	17,98,00,000
40	Department of Food and Public Distribution	Revenue 2,00,000	...	2,00,000
43	Department of Indian Systems of Medicine and Homoeopathy	Revenue 1,00,000	...	1,00,000
50	Department of Elementary Education and Literacy..	Revenue 1,00,000	...	1,00,000
51	Department of Secondary Education and Higher Education.....	Revenue 18,34,00,000	...	18,34,00,000
52	Department of Women and Child Development	Revenue 1,00,000	...	1,00,000
54	Department of Heavy Industry	Revenue 197,45,00,000	...	197,45,00,000
61	Ministry of Non-Conventional Energy Sources	Revenue 1,00,000	...	1,00,000
65	Ministry of Planning	Revenue 2,51,00,000	...	2,51,00,000
66	Ministry of Power	Revenue 51,45,00,000	...	51,45,00,000
67	Department of Rural Development	Revenue 3806,00,00,000	...	3806,00,00,000
70	Department of Science and Technology	Revenue 1,00,000	...	1,00,000
72	Department of Bio-technology	Revenue 1,00,000	...	1,00,000
76	Ministry of Road Transport and Highways	Capital 1,00,000	...	1,00,000
78	Ministry of Textiles	Revenue 1,00,000	...	1,00,000
79	Department of Tourism.....	Revenue 31,43,00,000	...	31,43,00,000
82	Department of Urban Development	Revenue 15,00,00,000	...	15,00,00,000
		Capital 1,00,000	...	1,00,000
83	Public Works	Capital 2,00,000	...	2,00,000
87	Ministry of Social Justice and Empowerment	Revenue 1,00,000	...	1,00,000
89	Atomic Energy	Revenue 1,00,000	...	1,00,000
		Capital 3,00,000	88,00,000	91,00,000
95	Lok Sabha	Revenue 70,00,00,000	...	70,00,00,000
98	Andaman and Nicobar Islands	Revenue	1,20,00,000	120,00,000
Total		8507,54,00,000	537,51,00,000	9045,05,00,000

Notification

10/4/99-LA (Vol. IV)

The Medical Termination of Pregnancy (Amendment) Act, 2002 (Central Act No. 64 of 2002), which has been passed by the Parliament and assented to by the President of India on 18-12-2002 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 19-12-2002, is hereby published for general information of the public.

S. G. Marathe, Under Secretary (Drafting).

Panaji, 15th April, 2004.

THE MEDICAL TERMINATION OF PREGNANCY (AMENDMENT) ACT, 2002

AN

ACT

to amend the Medical Termination of Pregnancy Act, 1971.

BE it enacted by Parliament in the Fifty-third Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Medical Termination of Pregnancy (Amendment) Act, 2002.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 2.*— In section 2 of the Medical Termination of Pregnancy Act, 1971 (hereinafter referred to as the 34 of 1971 principal Act),—

(i) in clause (a), for the word "lunatic", the words "mentally ill person" shall be substituted;

(ii) for clause (b), the following clause shall be substituted, namely:—

'(b) "mentally ill person" means a person who is in need of treatment by reason of any mental disorder other than mental retardation;'

3. *Amendment of section 3.*— In section 3 of the principal Act, in sub-section (4), in clause (a), for the word "lunatic", the words "mentally ill person" shall be substituted.

4. *Substitution of new section for section 4.*— For section 4 of the principal Act, the following section shall be substituted, namely:—

"4. *Place where pregnancy may be terminated.*— No termination of pregnancy shall be made in accordance with this Act at any place other than—

(a) a hospital established or maintained by Government, or

(b) a place for the time being approved for the purpose of this Act by Government or a District Level Committee constituted by that Government with the Chief Medical Officer or District Health Officer as the Chairperson of the said Committee:

Provided that the District Level Committee shall consist of not less than three and not more than five members including the

Chairperson, as the Government may specify from time to time."

5. *Amendment of section 5.*— In section 5 of the principal Act, for sub-section (2) and the *Explanation* thereto, the following shall be substituted, namely:—

'(2) Notwithstanding anything contained in the Indian Penal Code, the 45 of 1860. termination of pregnancy by a person who is not a registered medical practitioner shall be an offence punishable with rigorous imprisonment for a term which shall not be less than two years but which may extend to seven years under that Code, and that Code shall, to this extent, stand modified.

(3) Whoever terminates any pregnancy in a place other than that mentioned in section 4, shall be punishable with rigorous imprisonment for a term which shall not be less than two years but which may extend to seven years.

(4) Any person being owner of a place which is not approved under clause (b) of section 4 shall be punishable with rigorous imprisonment for a term which shall not be less than two years but which may extend to seven years.

Explanation 1.— For the purposes of this section, the expression "owner" in relation to a place means any person who is the administrative head or otherwise responsible for the working or maintenance of a hospital or place, by whatever name called, where the pregnancy may be terminated under this Act.

Explanation 2.— For the purposes of this section, so much of the provisions of clause (d) of section 2 as relate to the possession, by registered medical practitioner, of experience or training in gynaecology and obstetrics shall not apply.'